

SAMOA

Arrangement of Provisions

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2005, No.18

AN ACT to amend the Infants Ordinance 1961 to provide improved arrangements for the adoption of infants and for related purposes. *[28th June 2005]*

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Infants (Adoption) Amendment Act 2005 and shall be read with and form part of the Infants Ordinance 1961 (the Principal Act).

(2) This Act shall commence on the date of assent by the Head of State.

(3) Notice of commencement of this Act shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

2. Interpretation- Section 2 of the Principal Act is amended by inserting the following definitions in alphabetical order:

“adoption agency” means any person or body corporate or agency and other body (whether incorporated or otherwise) which acts as or calls themselves an adoption agency or:

- (a) engages in; or
- (b) makes arrangements for; or
- (c) assists with; or
- (d) facilitates; or
- (e) holds themselves out as acting as an adoption agency or engaging in or making arrangements for or assisting with or facilitating,

the adoption of children in Samoa or elsewhere, whether for reward or any other reason;

“citizen” means a citizen of Samoa under the Citizenship Act 2004;

“overseas adoption” means any application for adoption of an infant by any person who is not a citizen;

3. Overseas adoption- The Principal Act is amended by inserting the following after section 7:

“7A Overseas adoption – (1) Except as provided by subsection (2), a Court shall not make an adoption order involving an overseas adoption.

(2) An adoption order involving an overseas adoption shall not be made by any Court unless the Court has received a certificate from the Attorney General certifying that:

- (a) The infant subject to the overseas adoption does not have any family or suitable family or other suitable person in Samoa who is or are willing and able to provide for the care, support and welfare of the infant in Samoa; and
- (b) That there are no other suitable arrangements available in Samoa for the care, support and welfare of the infant.